



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Mariapia A. Degli-Esposti and Raymond Goodwin

Docket No.: 2849-A

Serial No: 08/943,776

Examiner: Lazar Wesley, E.

Filed: October 3, 1997

Group Art Unit: 1646

For: NOVEL RECEPTOR THAT CAUSES CELL DEATH

Assistant Commissioner for Patents  
Washington DC 20231

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**RESPONSE TO OFFICE ACTION**

Dear Sir:

In response to the Office Action dated July 23, 2002 (Paper No.13), the Applicants request consideration of the remarks set forth below, and the Declaration according to 37 C.F.R. §1.131 and Exhibits attached herein. A Petition for an extension of time under 37 CRF § 1.136 (a) accompanies this Response.

**REMARKS**

Claims 1-3, 6, 7, 10, 11, 13, 14, 16 and 22-26 stand rejected under 35 U.S.C. §102(e) (pre-American Inventors Protection Act of 1999) as allegedly anticipated by U.S. Patent No. 6,153,402 to Yu et al. (the '402 patent). This rejection is respectfully traversed.

The '402 patent describes two polypeptides, DR3-V1, having 428 amino acids as set forth in SEQ ID NO: 2 of the '402 patent; and DR3, having 417 amino acids as set forth in SEQ ID NO: 4 of the '402 patent.

The Examiner has stated that the priority date (i.e., effective date of the reference under 35 U.S.C. § 102(e)) of DR3-V1 is the March 12, 1996 filing date of the provisional application 60/013,285; and that the priority date of DR3 is the October 17, 1996 filing